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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,882

02/10/2004

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10/17/2007

EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,882

Applicant(s)

LIN ET AL.

Examiner

Kevin Harper

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 31 July 2007.
- ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
 - Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2 and 4 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- ☐ The specification is objected to by the Examiner.
- ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - All
 - Some *
 - None of:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

1. Applicant argued that the combination with Bender would render the invention inoperable. In response to applicant's arguments, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Bender discloses that a handover procedure involves a former access point not transmitting network data to the terminal but instead forwarding the data to the new access point. The handover may be hard handoff (col. 10, lines 41-59) as similar to standardized handoff in IEEE 802.11 networks. Therefore, it would have been obvious to one skilled in the art to receive data at the old access point and forward the data to a new access point as disclosed by Bender after a handoff operation.

2. In response to applicant's argument that Bender is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Bender discloses a hard handoff operation (col. 10, lines 41-59) as similar to the standardized handoff in IEEE 802.11 networks.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Bender (US 6,366,561).

3. Regarding claims 1, Applicant's admitted prior art discloses a method of transmitting frames in a wireless local area network through a repeater and a bridge (pages 1-2 of the specification, especially page 2, third paragraph). The method comprises the steps of transmitting a frame from a source station to the repeater (page 2, second paragraph, lines 1-2) and replacing the content of the BSSID field (address 1) with a bridge identifier (fig. 2B; note: address 1 is changed to "RA" of the bridge from "BSSID" of the repeater; page 2, second paragraph) and transmitting the replaced frame from the repeater to the bridge. The bridge transmits an acknowledgment frame to the repeater station (page 2, first paragraph, last two lines; fig. 2B, address 2, "TA"; page 1, third paragraph, lines 3-5).

4. However, Applicant's admitted prior art does not disclose that the bridge transmits an acknowledgment frame to the repeater and the repeater will not forward the acknowledgment frame to the source station. Bender discloses a repeater (fig. 8A, item 220A) that does not forward data to a source station (fig 8A, access terminal) (figs. 6A, 7A and 8A; fig. 8B, items 320A, 330BA and 110; col. 10, lines 41-59; note: the first access point does not transmit data to the terminal, but forwards the data to the new access point which forwards the data to the terminal). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to not forward an acknowledgment to the source station from the repeater in

Applicant's admitted prior art in order to properly route the data after a handoff (Bender, col. 10, lines 11-21).

5. Regarding claim 2, the repeater transmits an acknowledgment frame to the source station (page 2, first paragraph, last two lines; fig. 2A, address 2, "SA"; page 1, third paragraph, lines 2-3).

6. Regarding claim 4, the data frame includes a distribution field (fig. 2A, DS; page 1, second paragraph and page 2, second paragraph).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "K. Harper", written in a cursive style.

Kevin C. Harper

October 14, 2007